

REMARKS

Claims 1-18, 21 and 24-36 now stand in the application, claims 31-36 having been added by this amendment. Reconsideration of the application and allowance of all claims are respectfully requested in view of the above amendments and the following remarks.

The claims have been amended to address the claim objections stated in paragraph 3 of the Office action.

The prior art rejections are respectfully traversed.

The examiner has changed the basis for the rejections, but the primary art relied on is still Fapojuwo. Applicant has previously pointed out that Fapojuwo sends an indication of available capacity, e.g., if it has a limit of ten calls and is handling five it will indicate an available capacity of five, whereas the present invention sends a limit value, so that in the present case if the base station can handle ten calls and is currently handling five, it will send a limit value of ten to the BSC. The examiner has responded to this argument by saying that he is entitled to interpret the claim language broadly enough so that the value of five calls of remaining capacity would be a "limit". While applicant does not agree, it is sufficient to note also that the claim does not only recite the transmission of the limit but also the BSC verifying if the corresponding limit has been reached. There is nothing to verify if the "limit" information is the amount of capacity left. The BSC cannot "exceed" the amount of capacity left, or there would not be any capacity left. In other words, the amount indicated by Fapojuwo is an amount determined AFTER the verifying step recited in applicant's claim 1.

Amendment Under 37 C.F.R. § 1.111
USSN 09/924,719

The independent claims have all now also been amended to recite that the signaling of the limits is independent of any call request. In contrast, note Fapojuwo mentioning "in response to a call request" in particular at line 45 of col. 1, line 45, based , e.g., lines 26-34 of page 8.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

/DJCushing/
David J. Cushing
Registration No. 28,703

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